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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VSOLVIT LLC, a Nevada limited liability
company

Plaintiff,

v.

SOHUM SYSTEMS, LLC, et al.

Defendants.

Case Number 2:23-cv-00454-JAD-DJA

JOINT STATUS REPORT

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Plaintiff, VSolvit, LLC (“VSolvit” or “Plaintiff”), in the above-captioned action, by and through its undersigned counsel, submits this Joint Status Report on behalf of itself and Defendants, Sohum Systems, LLC (“Sohum”) and Creative Information Technology, Inc. (“CITI”) (collectively, “Defendants”), and state as follows:

1. On or about March 27, 2023, Plaintiff filed the instant matter for anticipatory breach of contract and breach of the implied covenant of good faith and fair dealing, ECF No. 1, and sought a temporary restraining order and preliminary injunction to prevent Defendants from competing against Plaintiff for a federal government contract with the United States Department of Agriculture (“USDA”) in violation of certain exclusivity clauses in teaming agreements entered into between the parties, ECF Nos. 3, 4.

2. On or about April 21, 2023, Defendants filed an Answer to the Complaint. ECF No. 29.

3. On or about May 9, 2023, this Court denied the motions for temporary restraining order and preliminary injunction, finding that Plaintiff was likely to succeed on the merits of its causes of action, but Plaintiff’s harm was redressable by a remedy at law. ECF No. 33.

4. On or about June 13, 2023, the parties jointly moved to stay the litigation pending the outcome of related bid protest proceedings initiated by Plaintiff in the Government Accountability Office (“GAO”), and that motion was granted. ECF Nos. 34, 35.

5. The parties moved to extend that stay on two subsequent occasions due to ongoing GAO protest proceedings and corrective action taken by the USDA in response thereto. ECF Nos. 36, 38. The Court granted both motions. ECF Nos. 37, 39.

6. The most recent order, ECF No. 39, dated February 2, 2024, extended the stay to August 1, 2024 “to allow the USDA’s corrective action process to be completed.”

7. Following the date of that order, on February 23, 2024, Plaintiff VSolvit filed a new protest of the corrective action proposed by the Agency. Following that protest,

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1 on March 23, 2024, the USDA gave a further Notice of Corrective Action, stating that it
 2 intended to cancel the Beech solicitation, in order “to allow [the Farm Service Agency] to
 3 reevaluate the requirement for a combined operations and maintenance and software
 4 modernization solution.” Finally, by Modification No. 0007, signed by the Contracting
 5 Officer on April 5, 2024, the Agency canceled the Beech Solicitation in its entirety.

6 8. As of the date of this filing, to the best of the parties’ understanding, the
 7 USDA’s corrective action process is still ongoing, and the Agency may, sometime in the
 8 near future, issue a new solicitation for the work covered by Beech.

9 9. Plaintiff contends that, given the current status of the procurement, it can
 10 proceed with its claim for damages at this time.

11 10. Defendants disagree, contending that, regardless of what further action
 12 USDA may take, the cancelation of the Beech solicitation renders Plaintiff’s action in this
 13 case moot, and in the alternative, that Plaintiff cannot prove its alleged damages.

14 11. Nevertheless, the parties are in agreement that this action may now proceed.
 15 Plaintiff wishes to file an Amended Complaint. Defendants will then need to file an
 16 Answer or dispositive motion in response to the Amended Complaint.

17 12. Accordingly, the parties propose the following schedule for the filing of
 18 those pleadings:

19 Plaintiff’s Amended Complaint Due August 30, 2024

20 Defendants’ Answer or Motion to Dismiss September 27, 2024

21 13. Following the filing of these pleadings, and the resolution of any dispositive
 22 motion, the parties propose to proceed with this matter in the normal course (i.e., with a
 23 Rule 26(f) Conference and scheduling order, etc.).

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WHEREFORE, the parties respectfully request that the Court enter an Order establishing a deadline of August 30, 2024 for the filing of Plaintiff's Amended Complaint and a deadline of September 27, 2024 for the filing of Defendant's responsive pleading.

Dated this 1st day of August, 2024.

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/s/ Christian T. Balducci

/s/ Thomas Brownell

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CERTIFICATE OF SERVICE

On August 1, 2024, I certify that a true and correct copy of the foregoing document was filed using the Court's CM/ECF system, which will electronically notify all counsel of record.

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